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Joseph J. Laks			EXAMINER	
Thomson Licensing LLC			JONES, HEATHER RAE	
2 Independence Way, Patent Operations				
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PRINCETON, NJ 08543			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,111

Applicant(s)

ABELARD ET AL.

Examiner

HEATHER R. JONES

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 10-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 10-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 29, 2008 have been fully considered but they are not persuasive.

The Applicant argues that Parry et al. fails to disclose allocating a predetermined quantity of resources to said file intended for delayed reading of data, and deallocating at the beginning of the file, a predetermined quantity of resources depending on the size of the file and on a delay between said read and write pointer. The Examiner respectfully disagrees. Parry et al. discloses a fixed quantity of storage used for the buffer but within that fixed quantity of storage parts of it are allocated for the file and other parts are deallocated for the file in order to never fully "fill-up" the buffer as disclosed in col. 7, line 60 - col. 8, line 16. By not completely filling up the buffer parts of the buffer would need to be allocated and deallocated for storing the data. Parry et al. fails to explicitly disclose that the quantity of storage deallocated in the file is based on the size of the file and on a delay between the read and write pointer. Official Notice is taken that deallocating a portion of the buffer based on the size of the file and on a delay between the read and write pointer in order to optimize the performance of the buffer by maximizing the amount of storage being stored in the buffer without completely filling up the buffer. Therefore, Parry et al. meets the claimed limitations and the rejection is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry et al. (U.S. Patent 6,535,920).

Regarding claim 1, Parry et al. discloses a method of delayed reading of digital video data stored in a file on a recording medium, comprising: allocating a predetermined quantity of resources to said file intended for delayed reading of data (col. 7, line 60 - col. 8, line 16 - by not completely filling up the buffer parts of the buffer would need to be allocated and deallocated for storing the file); writing said data in said file, a write pointer indicating the write position (Fig. 6 - reference character "150"); reading said data in said file, a read pointer indicating the read position (Fig. 6 - reference character "152"); and deallocating at the beginning of the file, a predetermined quantity of storage (col. 7, line 60 - col. 8, line 16 - by not completely filling up the buffer parts of the buffer would need to be allocated and deallocated for storing the file). Parry et al. fails to explicitly disclose that the quantity of storage deallocated in the file is based on the size of the file and on a delay between the read and write pointer. Official Notice is taken that deallocating a portion of the buffer based on the size of the file and on a delay between the read and write pointer in order to optimize the performance

of the buffer. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have deallocated parts of the buffer based on the size of the file and on a delay between the read and write pointer in order to optimize the performance of the buffer by maximizing the amount of storage being stored in the buffer without completely filling up the buffer.

Regarding claim 2, Parry et al. discloses all the limitations as previously discussed with respect to claim 1 including that the data being stored continuously on the recording medium, a reading window is defined for these data such that stored data can be read only during a specified lag following their storage (Figs. 5, 6, and 10; col. 16, lines 4-18 – the circular buffer provides a fixed quantity of storage of only 5 minutes, 30 minutes, or an hour, col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window).

Regarding claim 3, Parry et al. discloses all the limitations as previously discussed with respect to claim 1 Including that the resources of the recording medium being managed by a file controller allotting resources by means of cells, characterized in that a fixed quantity of cells delimited by a start of file cell and by an end of file cell is associated with the file for storing these data (Figs. 8, 10, and 12 - head and tail cells mark the fixed storage quantity).

Regarding claim 10, Parry et al. discloses all the limitations as previously discussed with respect to claim 2 including that the resources of the recording medium being managed by a file controller allotting resources by means of cells,

wherein a fixed quantity of cells delimited by a start of file cell and by an end of file cell is associated with the file for storing these data (Figs. 8, 10, and 12 - head and tail cells mark the fixed storage quantity).

Regarding claim **11**, Parry et al. discloses all the limitations as previously discussed with respect to claim 3 including that when the end of file cell is used to store data, the start of file cell is deallocated, a new end of file cell being allocated to this file (col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window while reallocating cells on the way depending where they are on the rotation).

Regarding claim **12**, Parry et al. discloses all the limitations as previously discussed with respect to claim 4 including that when the end of file cell is used to store data, the start of file cell is deallocated, a new end of file cell being allocated to this file (col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window while reallocating cells on the way depending where they are on the rotation).

Regarding claim **13**, Parry et al. discloses all the limitations as previously discussed with respect to claim 3 including that when the end of file cell is used to store data, the set of the cells that are distant from the end of file cell by a specified quantity of data is deallocated from the file and reallocated as cells consecutively following the end of file cell (col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding

window while reallocating cells on the way depending where they are on the rotation).

Regarding claim **14**, Parry et al. discloses all the limitations as previously discussed with respect to claim 10 including that when the end of file cell is used to store data, the set of the cells that are distant from the end of file cell by a specified quantity of data is deallocated from the file and reallocated as cells consecutively following the end of file cell (col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window while reallocating cells on the way depending where they are on the rotation).

Regarding claim **15**, Parry et al. discloses all the limitations as previously discussed with respect to claim 3 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **16**, Parry et al. discloses all the limitations as previously discussed with respect to claim 10 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **17**, Parry et al. discloses all the limitations as previously discussed with respect to claim 11 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **18**, Parry et al. discloses all the limitations as previously discussed with respect to claim 12 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **19**, Parry et al. discloses all the limitations as previously discussed with respect to claim 13 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **20**, Parry et al. discloses all the limitations as previously discussed with respect to claim 14 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **21**, Parry et al. discloses all the limitations as previously discussed with respect to claim 15 including that the means of reading or of writing comprising, respectively, write or read pointers wherein the write pointer precedes the read pointer for every cell of a file (col. 9, lines 23-34).

Regarding claim **22**, Parry et al. discloses all the limitations as previously discussed with respect to claim 16 including that the means of reading or of writing comprising, respectively, write or read pointers wherein the write pointer precedes the read pointer for every cell of a file (col. 9, lines 23-34).

Regarding claim **23**, Parry et al. discloses all the limitations as previously discussed with respect to claim 17 including that the means of reading or of writing comprising, respectively, write or read pointers wherein the write pointer precedes the read pointer for every cell of a file (col. 9, lines 23-34).

Regarding claim **24**, Parry et al. discloses all the limitations as previously discussed with respect to claim 20 including that the means of reading or of writing comprising, respectively, write or read pointers wherein the write pointer precedes the read pointer for every cell of a file (col. 9, lines 23-34).

Regarding claim **25**, Parry et al. discloses a device for delayed reading of digital video data stored on a recording medium, comprising means for allocating a fixed quantity of the storage resources of the recording medium to the file storing these data, wherein said file is a sliding window on the recording medium, the device preferably being adapted to implement a method according to claim 1 (Figs. 5, 6, and 10; col. 16, lines 4-18 – the circular buffer provides a fixed quantity of storage, col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window).

Regarding claim **26**, Parry et al. discloses a computer readable medium encoded with a computer program, the program for performing the method of delayed reading of digital video data according to claim 1, when the said program is executed on a computer (Figs. 5, 6, and 10; col. 16, lines 4-18 – the circular buffer provides a fixed quantity of storage, col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window, col. 3, lines 13-38 - the program).

Regarding claim **27**, Parry et al. discloses all the limitations as previously discussed with respect to claim 1 including that the deallocating at the beginning of file, a predetermined quantity of resources depending on the size of the file and on a delay between said read and write pointer is performed when said write pointer reaches the end of file (col. 7, line 60 - col. 8, line 16 - by not completely filling up the buffer parts of the buffer would need to be allocated and deallocated for storing the file – since the buffer is a circular buffer and once the write pointer

reaches the end of its file more space needs to be allocated and deallocated to continue recording and to maintain the fact that the buffer never fills up).

Regarding claim **28**, Parry et al. discloses all the limitations as previously discussed with respect to claim 1 including that the deallocating at the beginning of file, a predetermined quantity of resources depending on the size of the file and on a delay between said read and write pointer is performed before each write access in said file (col. 7, line 60 - col. 8, line 16 - by not completely filling up the buffer parts of the buffer would need to be allocated and deallocated for storing the file – since the buffer is a circular buffer and once the write pointer reaches the end of its file more space needs to be allocated and deallocated to continue recording and to maintain the fact that the buffer never fills up).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

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HRJ
November 22, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621